IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF MARCH
TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4326 of 2007

Between:
Subbuneni Naga Siva Vara Prasad S/o.Venkata Krishnaiah

..... Petitioner

AND

1.The Regional Manager, A.P.S.R.T.C., Vijayawada Krishna District
2.The Depot Manager, Kaikaluru Depot, Krishna District

.....Respondent(s)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, to declare the action of the respondents in demanding the rent for the shop bearing Nos.7 and 8 in the 2nd respondent depot retrospectively without handing over the possession of the said shops is illegal, arbitrary, unjust improper and unconstitutional and consequently direct the respondents to handover the possession of the shop Nos.7 and 8 in the 2nd respondent depot to the petitioner and to collect the rents from the date of handing over the possession, and to grant such other relief or reliefs.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in W.P. and upon hearing the arguments of Sri Palle NAGESWAR RAO, Advocate for the Petitioner and of Sri R.Manmadha Reddy, S.C. for APSRTC for the respondents, the Court made the following **ORDER**

Learned Standing Counsel for the respondents takes notice, and seeks three weeks time to file counter affidavit.

Post on 28-03-2007.

It is not in dispute that the petitioner made a deposit of Rs.2 lakhs, on 21-05/2005 under D.O.T. Scheme. These appears to be some communication gap, in the matter of intimation to the petitioner about the allotment of the shop. The question, as to whether the petitioner is liable to pay the rents from any earlier period; needs to be considered at a later stage.

There shall be interim direction to the respondents to hand over the possession of the premises to the petitioner, and collect rents, from time to time.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The Regional Manager, A.P.S.R.T.C., Vijayawada Krishna District

2.The Depot Manager, Kaikaluru Depot, Krishna District

3.one spare copy

4.1cc to Sri P.Nageswar Rao, Advocate (OPUC)

smj

HIGH COURT

LNR.J.

DATED 2-3-2007

Note: Post on 28-03-2007

ORDER

W.P.NO. 4326 OF 2007

INTERIM DIRECTION

Smj
Drafted on 6-3-2007

HIGH COURT

LNR.J.

DATED 2-3-2007

Note: Post on 28-03-2007

ORDER

W.P.NO. 4326 OF 2007

INTERIM DIRECTION